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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,487	11/28/2003	Tadashi Kojima	246038US2S	1194
22850	7590	06/02/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
HOANG, DANIEL L				
ART UNIT		PAPER NUMBER		
2136				
NOTIFICATION DATE		DELIVERY MODE		
06/02/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/722,487

Applicant(s)

KOJIMA ET AL.

Examiner

DANIEL L. HOANG

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/09/08, 2/08/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

CLAIMS PRESENTED

Claims 20-21 are presented.

RESPONSE TO ARGUMENTS

Applicant's response in regards to the previous action's 112 rejections have been considered and are successful in overcoming said rejections. The previous action's 112 rejections have appropriately been withdrawn.

Applicant's arguments with respect to claims 21-22 have been considered but are moot in view of the new ground(s) of rejection. Examiner contends that the applied reference successfully overcomes applicant's arguments over the previously applied art in the prior action. A telephonic interview will be granted to discuss any elements of the claims in which applicant feels have been incorrectly interpreted or insufficiently rejected.

CLAIM REJECTIONS

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Angelo et al, US 5923754.

As per claim 21, Angelo teaches:

A recording apparatus including a driver and an encoder, comprising:

an encrypting section which performs the following:

generating a first key by means of a first random number generator;

[see col. 4, line 15]

encrypting contents into first encrypted contents using the first key;

[see col. 3, paragraph 6, "data is first encrypted and then encoded and stored on the disk, with at least two keys associated in the encryption.]]

processing a key specific to the encoder using medium key block information read from a first recording medium, processing the processed key using medium specific information read from the first recording medium, thereby generating a second key;

[see col. 3, paragraph 6, device key]

encrypting the first key using the second key, thereby generating a medium key;

[see col. 3, paragraph 6, "these keys are then encrypted with a private DVD device key"]

generating a third key by means of a second random number generator;

multiply-encrypting the medium key using a third key, thereby generating a move key;

[see col. 3, paragraph 6, drive key]

processing a key specific to the driver using the medium key block information, thereby generating a fourth key; and

[see col. 3, paragraph 6, video key]

encrypting the third key using the fourth key; and

[see col. 3, paragraph 6, disk key]

a processing section which performs the following when recording the contents onto the first recording medium:

recording, onto the first recording medium, first encrypted contents, the medium key, and the move key, which are supplied from the encrypting section; and

[see figure 2, element 38]

recording the third key encrypted using the fourth key onto a security area on the first recording medium,

[see figure 2, element 42]

wherein the processing section performs the following when moving the contents from the first recording medium to a second recording medium:

obtaining the second key generated in the encrypting system;

obtaining the first key by decoding the medium key using the second key;

[see figure 2, element 28]

obtaining the contents by decoding the first encrypted contents using the first key,

[see figure 3, element 72]

generating a new first key by means of the first random number generator;

encrypting the contents into new encrypted contents using a new first key;

[see figure 3, element 60]

processing the key specific to the encoder using new medium key block information read from the second recording medium, and processing the processed key specific to the encoder using new medium specific information read from the second recording medium, thereby generating a new second key;

[see figure 3, element 64]

generating a new third key by means of the second random number generator;

multiply-encrypting the new first key using the new second key and a new third key, thereby

generating a new move key;

[see figure 2, element 32]

processing the key specific to the driver using the new key specific block information, thereby generating a new fourth key;

[see figure 2, element 36]

recording, onto the second recording medium, the new move key and new encrypted contents:

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and

recording, onto a security area on the second recording medium, the new third key encrypted using the new fourth key; and

[see figure 2, element 44]

erasing the move key from the first medium.

[see figure 2, element 46]

As per claim 22, Angelo teaches:

The recording apparatus according to claim 21, wherein when the contents are moved from the second recording medium to a third recording medium, the processing section performs the following: decoding the new move key using the new second key and the new third key, thereby obtaining the first key; generating a renewed first key; decoding the new encrypted contents using the new first key to obtain the contents, and encrypting the contents using a renewed first key, thereby obtaining renewed contents; processing the key specific to the encoder, using renewed medium key block information read from the third recording medium, and processing the processed key using renewed specific information' read from the third recording medium, thereby obtaining a renewed second key; multiply-encrypting the renewed first key using the renewed second key and the renewed third key, thereby producing a renewed move key; processing the key specific to the driver, using the renewed medium key block information, thereby producing a renewed fourth key; recording, onto the third recording medium, renewed encrypted contents and the renewed move key; recording, onto a security area on the third recording medium, the renewed third key encrypted using the renewed fourth key; and erasing the new move key from the second recording medium.

Please see rejection of claim 21, wherein the above steps of claim 21 are taught with the difference that the rejection of claim 21 recites the steps in which the contents are moved from the first recording medium (DVD) to a second recording medium (machine). Angelo further teaches in column 4, lines 57-67 the steps required to move the contents from the machine to a

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third recording medium (video monitor). Examiner interprets these steps to be analogous to applicant's claimed limitations above.

POINTS OF CONTACT

- *. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulaney Street
Alexandria, VA 22314

- *. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Hoang whose telephone number is 571-270-1019. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Daniel L. Hoang/

Examiner, Art Unit 2136

/Nasser G Moazzami/

Supervisory Patent Examiner, Art Unit 2136

